

**A study of the services
provided under the Otton
Project to litigants in person at
the Citizens Advice Bureau at
the Royal Courts of Justice**

for

The Lord Chancellor's Department

May 1998

Joyce Plotnikoff and Richard Woolfson
Consultants in Management, IT and the Law
Cheldene
Church Lane
Preston
Hitchin
Herts SG4 7TP
Tel: 01462 457555
Fax: 01462 457229
E-mail: woolfsonR@aol.com

Acknowledgements

The researchers are most grateful to the staff of the CAB at the RCJ for their cooperation during the study and in the preparation of this report.

The Authors

Joyce Plotnikoff and Richard Woolfson are independent consultants in management, IT and the law.

EXECUTIVE SUMMARY

This is the report of a study of the views of clients on the services offered in a pilot project to provide advice to litigants in person (LIPs). The pilot project was set up following a recommendation of the Working Party established by the Judges' Council under Lord Justice Otton in 1995 and was based at the Citizens Advice Bureau located within the Royal Courts of Justice (the CAB at the RCJ). Its purpose was to provide LIPs with advice on court procedure, whether the merits of their case justified proceeding and preparation of their case for court. It was also hoped that the advice provided would help to reduce the demands made by LIPs on the time of judges and court staff.

The aims of the study were:

- to discover how LIPs find out about the service provided by the CAB at the RCJ
- to determine the reasons why LIPs approach the CAB
- to establish their understanding of the nature of advice provided and whether this corresponds with what is recorded on the form completed by CAB staff
- to discover the result of the consultation (e.g. whether the information sought was actually provided, clients' subsequent action and whether this corresponded with advice given)
- to establish clients' level of satisfaction with the service provided
- to consider whether there are benefits to the civil justice system as a result of the advice provided by the CAB and to describe the nature of such benefits.

In consultation with the LCD, a questionnaire was prepared and circulated by post to 410 clients who had used the services provided in the pilot between January and November 1997. Of these, 160 completed questionnaires were returned, a response rate of 39.4 per cent. The main points that emerged from an analysis of these responses were as follows:

- Nineteen per cent of respondents said English was not their first language.
- One in three had heard about the services of the CAB at the RCJ from court staff. Only 17% had been referred by another CAB or advice agency.

- Seventy-seven per cent had sought advice from another source prior to approaching the CAB at the RCJ but only 61% sought other advice afterwards.
- Seventy-six per cent had contacted the CAB at the RCJ more than once in the last year. Twenty-nine per cent had been in contact more than five times.
- Three-quarters of clients approached the CAB at the RCJ for advice on court procedure. Fifty-six per cent said they could not afford the services of a lawyer.
- One quarter wanted advice on whether to consult a lawyer while 23% wanted to check on advice they had already received from a lawyer.
- Fifty-five per cent said that staff at the CAB at the RCJ had answered all their questions and 58% were completely satisfied with the service they received. Only six per cent said that none of their questions had been answered and nine per cent that they were not at all satisfied with the service.
- The greatest number of complaints from the minority who were not satisfied related to the length of waiting times and the lack of an appointments system. Other complaints referred to the quality of legal advice, inconsistent advice on different occasions, limitations set on the extent of advice given, loss of client files and dissatisfaction with firms of lawyers to which the client had been referred.
- Fifty-eight per cent of clients had been given settlement advice. Two-thirds of these had been advised to continue with their dispute. Most followed the advice but advice to settle was more likely to be ignored than advice to continue.

Based on these findings, the report recommends that:

- Checks should be made to ensure that local CABx and other advice agencies are aware of the services offered to LIPs by the CAB at the RCJ and more prominent signs are posted outside the CAB's office within the RCJ.
- Client waiting times at open-door sessions at the CAB at the RCJ should be monitored and an experimental appointments system should be introduced.
- There should be closer scrutiny of whether workers are giving legal advice in situations that merit referral to an honorary legal adviser (HLA) and monitoring of advice provided by HLAs.
- Staff should check whether their advice differs from that given on a previous occasion and, where this occurs, explain to the client of the reasons for the change.

- Where a decision is made to offer no further advice to a client, this should require the signed authority of a senior member of CAB at the RCJ staff.
- Management reviews should address the adequacy of document controls used by the CAB at the RCJ with particular attention to the incidence of lost files.
- The CAB at the RCJ should consider maintaining information about the quality of the services provided by the firms of solicitors to which it refers clients.
- The leaflet describing the services of the CAB at the RCJ should be revised to describe the limitations of the services offered. The leaflet should be given to everyone who attends a consultation with a worker and included in responses to postal requests for advice.
- The CAB at the RCJ should record the first language of those to whom it gives advice. Based on the results, consideration should be given to translating information leaflets into languages other than English. The ability of HLAs to offer advice in languages other than English should be recorded and available to workers when making a referral on behalf of a client.

CONTENTS

| | |
|--|----|
| Acknowledgements..... | i |
| The Authors | i |
| EXECUTIVE SUMMARY..... | ii |
| LIST OF FIGURES | vi |
| LIST OF TABLES | vi |
| INTRODUCTION | 1 |
| Study aims..... | 1 |
| Background..... | 1 |
| METHODOLOGY | 3 |
| Study sample..... | 3 |
| Data collection | 3 |
| ANALYSIS OF RESPONSES..... | 5 |
| Before approaching the CAB at the RCJ..... | 5 |
| Number of contacts and reasons for seeking advice..... | 7 |
| The service provided by the CAB at the RCJ..... | 9 |
| The nature of advice given..... | 18 |
| After approaching the CAB at the RCJ | 20 |
| CONCLUSIONS..... | 22 |
| Publicising the existence of the CAB at the RCJ..... | 22 |
| The appointments system..... | 22 |
| The quality of service | 24 |
| The expectations of clients | 27 |
| Services to clients whose first language is not English | 28 |
| The impact on court staff | 29 |
| APPENDIX 1: STUDY QUESTIONNAIRE FOR LITIGANTS IN PERSON | 30 |
| APPENDIX 2: NATURE OF LITIGATION: ALL CLAIMS (May 96-Apr 97) | 33 |

LIST OF FIGURES

| | |
|---|----|
| Figure 1: How did you find out about the services offered by the CAB at the RCJ? | 5 |
| Figure 2: From whom did you seek advice before approaching the CAB at the RCJ? . | 6 |
| Figure 3: How often have you contacted the CAB at the RCJ in the last year? | 7 |
| Figure 4: Did staff of the CAB at the RCJ answer your questions? | 9 |
| Figure 5: Were you satisfied with the advice given by staff of the CAB at the RCJ? . | 10 |
| Figure 6: Clients given settlement advice..... | 19 |
| Figure 7: Consultations before and after contact with the CAB at the RCJ? | 20 |
| Figure 8: Consultations before and after contact with the CAB at the RCJ for those whose first language was not English..... | 21 |

LIST OF TABLES

| | |
|---|---|
| Table 1: Why did you approach the CAB at the RCJ? | 8 |
|---|---|

INTRODUCTION

This is the report of a study carried out on behalf of the Lord Chancellor's Department (LCD). Following a recommendation of the Working Party established by the Judges' Council under Lord Justice Otton in 1995, a pilot project to provide advice to litigants in person (LIPs) began at the Citizens Advice Bureau located within the Royal Courts of Justice (the CAB at the RCJ) in May 1996. The purpose of this study was to obtain the views of LIPs about the services offered under the Otton pilot project. Throughout this report, references to the services provided by the CAB should be taken to mean services under the Otton project, not other services offered by the CAB.

Study aims

The aims of the study were as follows:

- to discover how LIPs find out about the service provided by the CAB at the RCJ
- to determine the reasons why LIPs approach the CAB at the RCJ
- to establish their understanding of the nature of advice provided and whether this corresponds with what is recorded on the form completed by CAB staff
- to discover the result of the consultation (e.g. whether the information sought was actually provided, clients' subsequent action and whether this corresponded with advice given)
- to establish clients' level of satisfaction with the service provided
- to consider whether there are benefits to the civil justice system as a result of the advice provided by the CAB at the RCJ and to describe the nature of such benefits.

Background

The pilot project established as a result of Lord Justice Otton's recommendation aimed to provide LIPs with advice on court procedure, whether the merits of their case justified proceeding and preparation of their case for court. It was also hoped that the advice provided would help to reduce the demands made by LIPs on the time of judges and court staff. Funding for the pilot was provided through a two-year grant of £130,000 from the LCD.

At the time of the study, the CAB at the RCJ had eight voluntary part-time workers (none of whom were dedicated exclusively to the Otton project) who were not legally qualified and two paid workers who were solicitors. In addition, LIPs receive advice from around 100 Honorary Legal Advisers (HLAs) who are practising lawyers, mostly employed by large City firms. Clients could also be referred to the Bar's *pro bono* scheme under which help is available from qualified barristers.

To allow the scheme to be assessed, a form was devised to be completed by CAB staff whenever a client made use of the service. An analysis was carried out by the LCD's Information Policy Branch of the 1,237 forms filled in between May 1996 and April 1997, the first year of the scheme's operation. This provided information on the numbers and status of clients using the scheme, the nature of the litigation, the level of court dealing with it, legal aid entitlement, the length of consultations and the action taken by the CAB at the RCJ. The current study was undertaken to complement the information on the forms with the views of clients as to the quality of the service provided. Because many clients have multiple contacts with the CAB at the RCJ, it was difficult to correlate the study responses with the forms completed by CAB staff. Certain questions were therefore put to clients which overlapped with information on the forms. These related, for instance, to the reasons why the client approached the CAB at the RCJ and the nature of the advice received.

Two separate surveys relating to LIPs who come into contact with Supreme Court Group staff were conducted during eight week periods in 1996 and 1997. Although these provide useful data on the impact of LIPs on court staff time, it is not possible to infer from the results how many clients had received advice from the CAB at the RCJ either before or after the contact with court staff. For this reason, the figures are not of direct relevance to the current study.

Fieldwork for this study was conducted during January 1998. Many of the issues raised in clients' responses are being addressed as part of a new scheme which came into operation in April 1998 funded for three years by a further LCD grant.

METHODOLOGY

Study sample

The term 'Litigant in Person' is used loosely and there is no single, commonly-accepted definition. It may be applied to those who are contemplating or have recently completed litigation as well as those whose cases are underway. Many of those classified as LIPs have been legally represented at some stage in the process.

The CAB at the RCJ receives enquiries from many litigants and potential litigants. A LIP survey form is completed in respect of all such contacts except those with clients who are legally represented and approach the CAB at the RCJ for a second opinion on legal advice received¹. However, a form would usually be completed for clients contemplating dispensing with their lawyer or seeking advice about their lawyer's bill.

The final question on the CAB form invites clients to indicate their willingness to participate in research into the services offered by the CAB at the RCJ. Our study sample initially comprised all 451 clients for whom at least one form was completed during the period January to November 1997 and who had not explicitly indicated a refusal to participate on their CAB form. After excluding those clients for whom the CAB at the RCJ had no contact details on file, the sample size fell to 410.

Data collection

In view of the study timescale, a postal survey was the only feasible way of collecting the data. A questionnaire was drawn up and agreed with the LCD and piloted with five clients attending the CAB at the RCJ. The questionnaire is reproduced at appendix 1. A covering letter was prepared by the Civil Justice Division of the LCD explaining the purpose of the study, guaranteeing confidentiality and requesting the

¹ Of course, the client may not state that this is the reason for seeking advice. Almost a quarter of respondents to our survey said they approached the CAB at the RCJ in order to check on advice given to them by a lawyer.

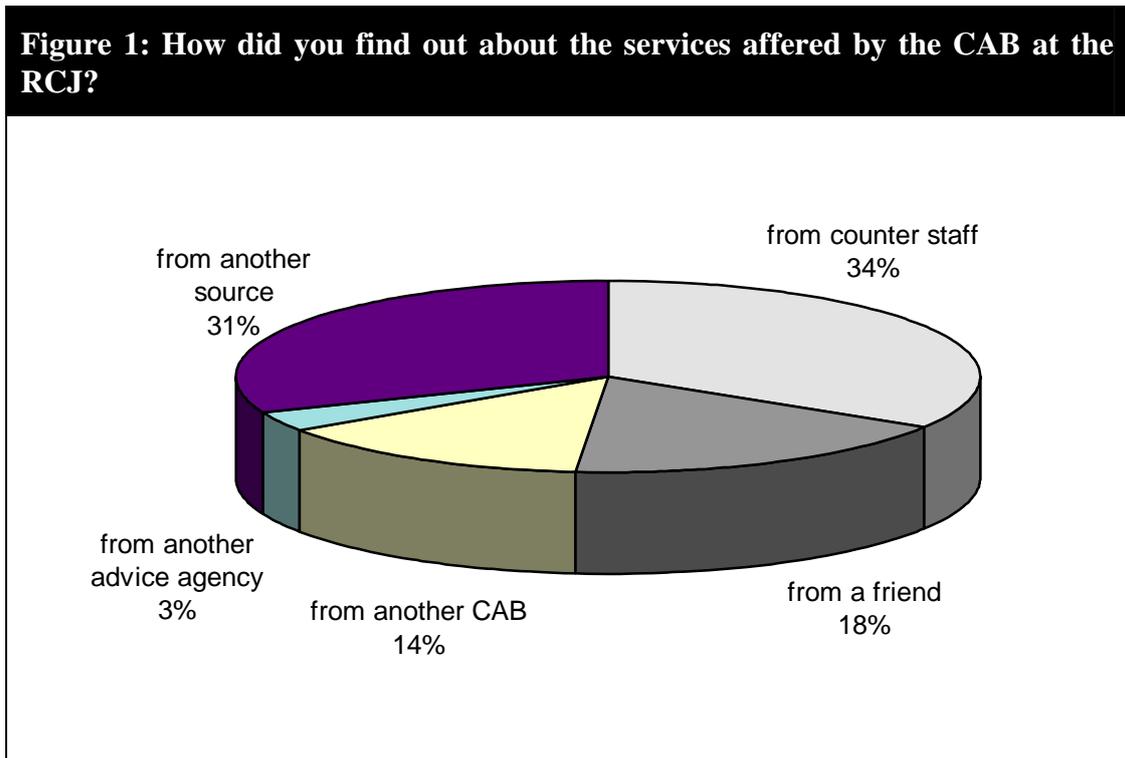
client's cooperation. All 410 clients were sent the questionnaire and letter which requested a response within three weeks using an enclosed FREEPOST envelope.

By the end of the allotted period 160 completed questionnaires had been received and four had been returned either uncompleted or marked "addressee unknown". Excluding these four, this represents a response rate of 39.4 per cent. The information on the forms was input to computer and analysed using the statistical package SPSS for Windows.

ANALYSIS OF RESPONSES

Before approaching the CAB at the RCJ

Clients were asked how they had heard about the services of the CAB at the RCJ:

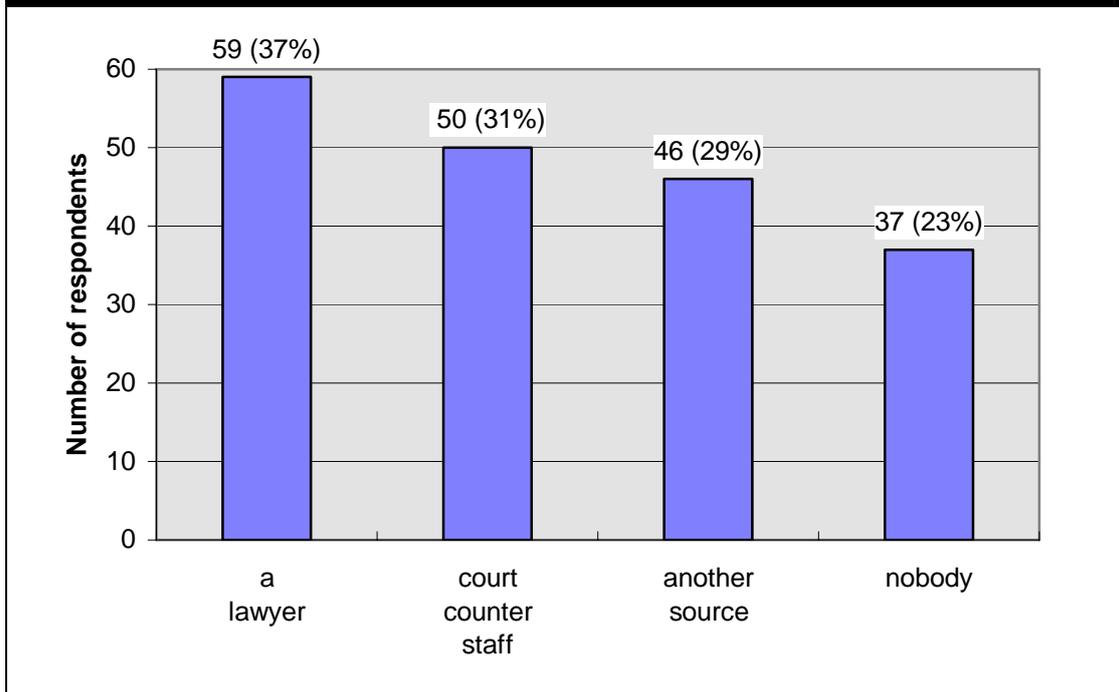


One in three respondents had heard about the services of the CAB at the RCJ from court staff. Of the 50 who mentioned a source other than the four specified, 15 (9%) noticed the CAB's office while in the RCJ building, nine (6%) were told by a judge or master, six (4%) read about it in the press and five (3%) found the entry in the telephone directory.

Thirty (19%) of the 160 respondents said that English was not their first language. Unlike clients in general, members of this group were as likely to have heard about the CAB at the RCJ from a friend as from court staff.

Respondents were asked who they had approached, if anyone, before seeking help from the CAB at the RCJ (some had sought advice from more than one source):

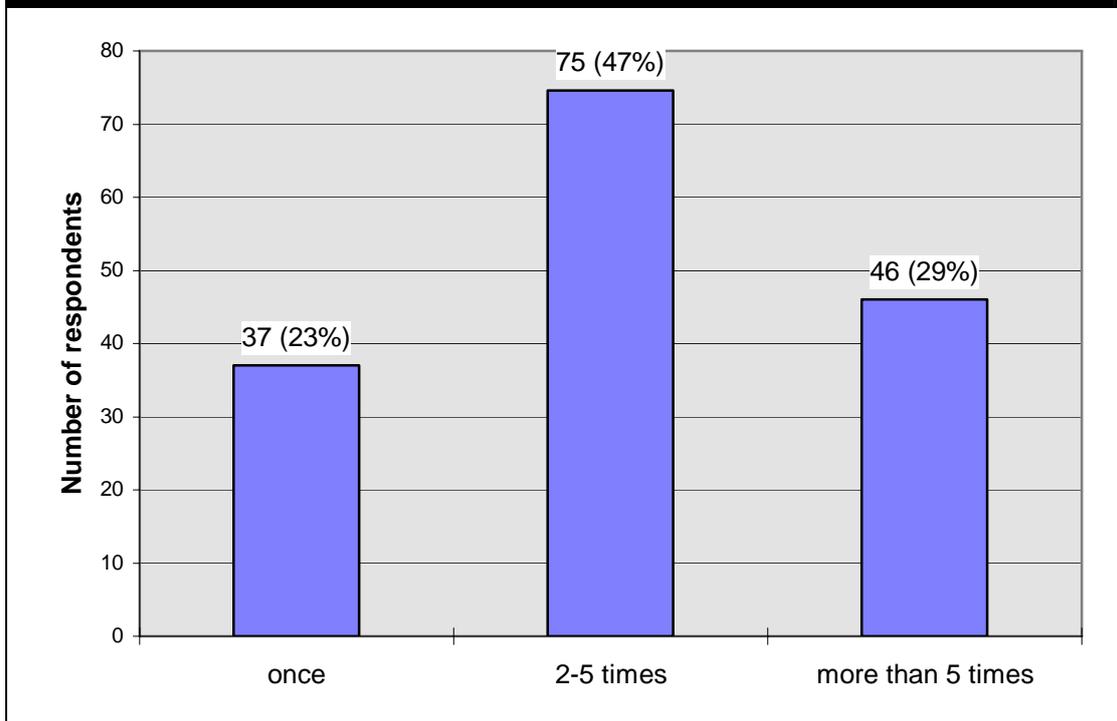
Figure 2: From whom did you seek advice before approaching the CAB at the RCJ?



Thirty-one of the 46 clients who had approached another source for advice had gone to a local CAB office or another body offering advice to the public. Others approached included friends (four clients), members of parliament (four) and judges (three).

Number of contacts and reasons for seeking advice

Figure 3: How often have you contacted the CAB at the RCJ in the last year?



In this chart and in those that follow, percentages do not add to 100 per cent because some respondents did not answer this question.

Over three-quarters of all respondents and nine out of ten of those whose first language was not English had approached the CAB at the RCJ on more than one occasion in the last year. These figures are higher than that of 60 per cent which emerged from an analysis by the LCD of the LIP survey forms produced in conjunction with the pilot.

It was not practical to ask respondents to distinguish the reason for each individual visit but most were clear on the range of reasons for which they had approached the CAB at the RCJ:

Table 1: Why did you approach the CAB at the RCJ?

| | Frequency | Percent |
|---|------------------|----------------|
| I wanted advice on court procedure | 119 | 74.4 |
| I could not afford to go to a lawyer | 90 | 56.3 |
| I wanted advice on whether to consult a lawyer | 41 | 25.6 |
| I wanted to know if I qualified for legal aid | 28 | 17.5 |
| I wanted to check on advice given to me by a lawyer | 37 | 23.1 |
| I wanted advice about my lawyer's bill | 9 | 5.6 |
| I sought advice for another reason | 15 | 9.4 |

Note: Respondents could select more than one reason, hence the figures do not add to 100%.

A picture emerges that corresponds with the analysis by the LCD's Information Policy Branch in which 72 per cent of clients approached the CAB at the RCJ for procedural advice.

The other reasons given for approaching the CAB at the RCJ included:

'I wanted advice on being represented at a public enquiry'

'I wanted advice on challenging an employment tribunal decision for which legal aid is not available'

'I wanted advice about the costs of litigation'

'I wanted a list of lawyers in the legal aid scheme'

'I wanted the name of a solicitor who would undertake a personal injury claim on 'no win no fee' basis'

‘I needed legal advice at very short notice. The CAB was the only place I could go’

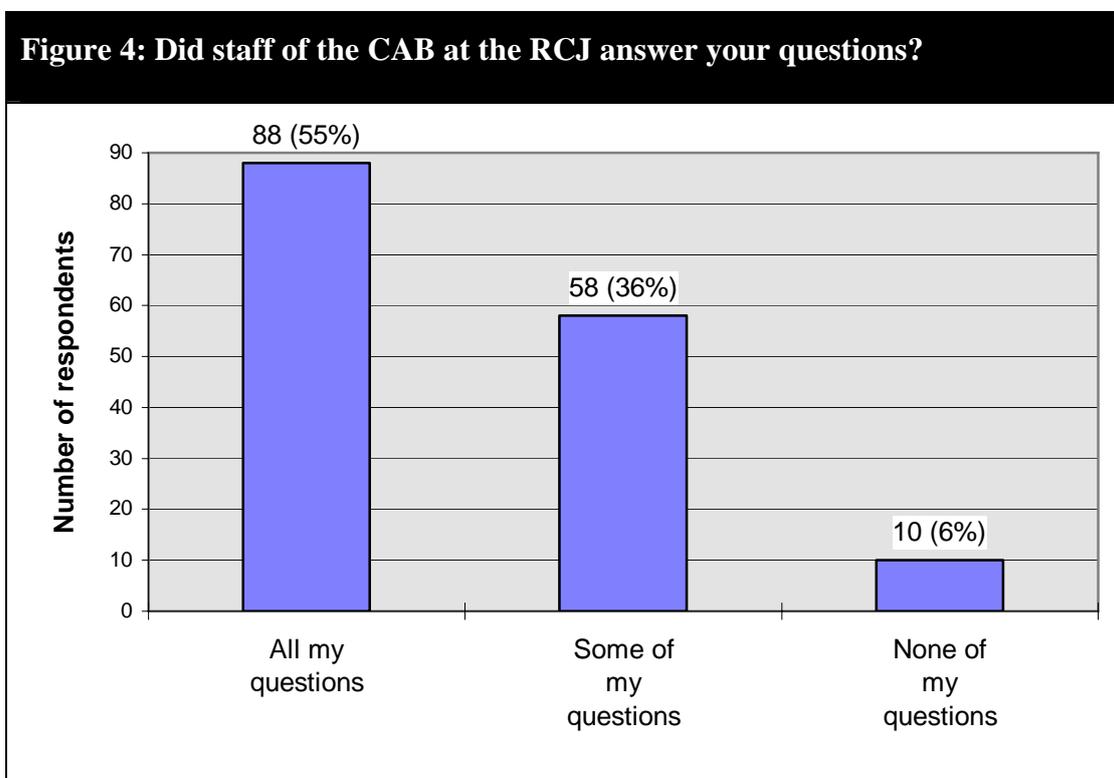
‘I wanted to access the *pro bono* service of the Bar Council’

‘I wanted information about being made bankrupt’.

Many respondents provided a detailed account of their case even though this was not requested and was not of direct concern to this study. The nature of the litigation with respect to which clients approached the CAB at the RCJ is illustrated in the chart at appendix 2 which is based on the analysis of survey forms carried out by the LCD.

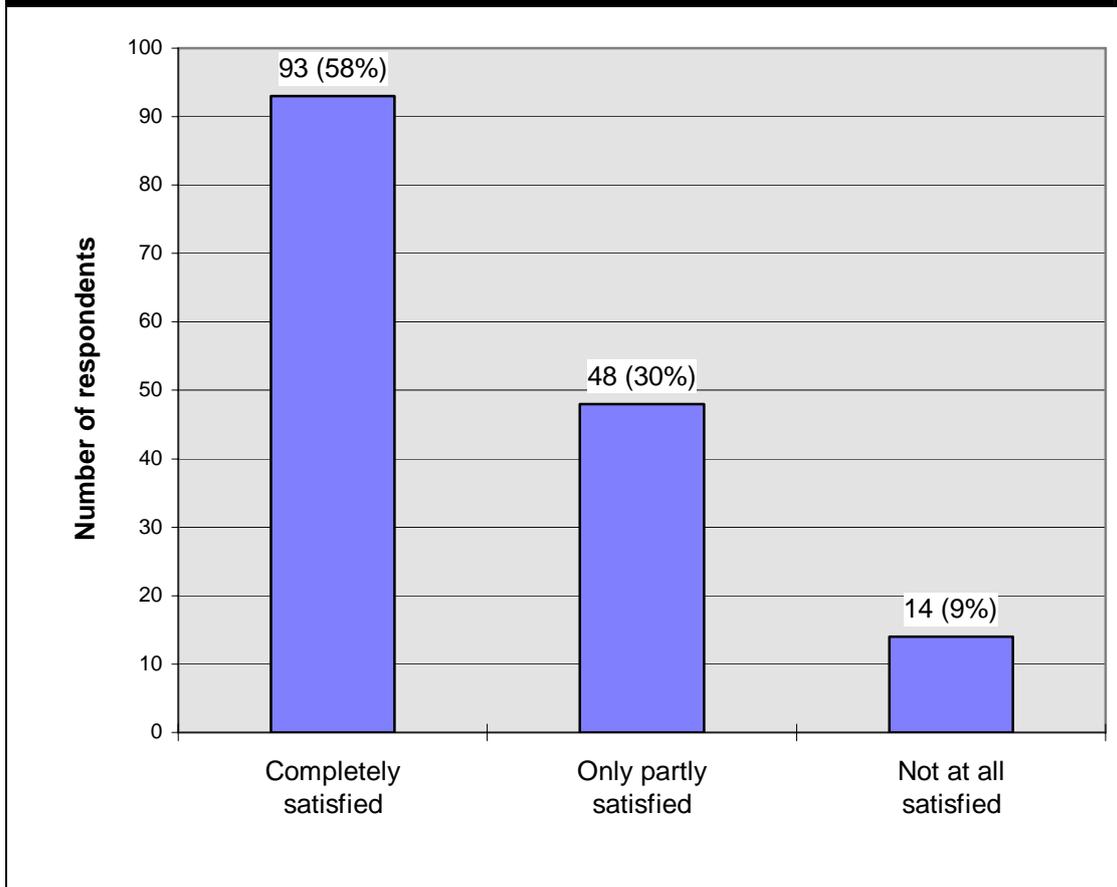
The service provided by the CAB at the RCJ

Clients were asked about the extent to which their questions were answered and their level of satisfaction with the service received. All but three per cent responded:



A slightly smaller proportion, 47 per cent, of those whose first language was not English said that all their questions had been answered.

Figure 5: Were you satisfied with the advice given by staff of the CAB at the RCJ?



Among those whose first language was not English, the proportion that were completely satisfied with the advice they received was 47 per cent.

The majority of clients had all their questions answered and were completely satisfied with the service they received. The following comments included with responses were typical of many received:

‘The service is second is none and the best way taxpayers’ money is spent’

‘All CAB staff were very helpful helping me fill in forms and telling where to go in the RCJ’

‘I wanted to appear myself in person in a civil matter and needed advice on procedure and the documents required. I was most impressed with the help and advice given to me’

‘The service is excellent and sympathetic, especially for someone like me suffering from nervous and emotional breakdown’

‘Had the service not been available I really do not know what I would have done’

‘All the staff were helpful and efficient. I wish other CAB could be like this one’

‘I am so grateful to the CAB. Their advice “saved my life”’

‘The CAB was a great help. I am 72, disabled and on income support’

‘The staff treated me in a kind and caring manner. Their approach was very professional’

‘Through the CAB I was given real access to justice. Although outside legal aid, I was given limited but quality advice on drafting my own case’

‘Without the advice from the CAB the plaintiff, although clearly in the wrong, would have succeeded in his claim’

‘It is an excellent service. The master praised the way an amendment to my claim had been worded with help of a CAB solicitor’

‘I would have been in trouble but for the help I received from the CAB. The advice I received from a lawyer was succinct and positive and produced the desired result. This is an excellent service’.

‘The case is not finished - far from it. I don’t know what the result will be but it is reassuring to know that if anything goes wrong, there is the CAB at the RCJ on whom I can rely to do their best to put the wrong right’.

About one in three clients were appreciative of the help they had received but had reservations about certain aspects of the service. Common complaints related to opening hours, the appointments system and waiting times:

‘The service is excellent but the appointments procedure could be improved’

‘It is an essential service which needs more telephonists and to open longer hours’

‘Staff very helpful but we had to wait five hours to be seen’

‘Opening hours are too restrictive and the inability to make bookings in advance is frustrating’

‘The staff are extremely busy. One has to wait for hours to see a consultant. It is a great service but the wait is a disincentive to seek advice’

‘The CAB needs more legal experts permanently attached. Telephone calls were not returned for up to 48 hours. Queuing can often take up to two hours. The CAB provides an excellent service in view of its limited resources’

‘Staff shortages at the CAB clearly cause anguish for visitors. Opening hours can only be treated as a guide’

‘I left my contact details at the CAB asking for an urgent appointment. Nothing happened. After countless telephone calls my local CAB contacted the CAB at the RCJ on my behalf and I finally saw a solicitor’.

Once the waiting was over, some clients felt that insufficient time was available for the consultation:

‘Limited staff restricts the time allotted so that sometimes not all one’s questions are answered’

‘More time is needed for providing advice. Staff should be increased to meet the demand’

‘The time allowed for advice meetings is never sufficient. However, without the CAB at the RCJ it would be virtually impossible for LIPs to deal with High Court matters’.

Some clients had received varying quality of service:

‘The CAB service is very professional when handled by the individual assigned to the case, however on other occasions alternative staff were not as helpful’

‘The adviser I saw was efficient and courteous but other staff were unhelpful and rude’

‘My file often could not be traced. Sometimes the people I saw had no knowledge about the matter but when I saw a qualified person the advice was professional and sound’

‘The service provided by the seconded lawyers was excellent but that from CAB staff was less extensive. They appeared to be under great stress and gave easy-route answers’

‘Seeing different staff on different visits can cause problems’

‘Service was unfriendly. They did not appreciate how stressful taking court action is or the difficulty of travelling to the RCJ from outside London. However, their advice was very useful’.

One client had received conflicting advice on different occasions:

‘Two consultations were arranged with HLAs. The first gave inaccurate advice but the second gave useful advice’.

For others, the advice given conflicted with that provided by a lawyer:

‘The CAB was helpful but their HLA’s advice conflicted with that from a solicitor’

‘On consulting a solicitor I was told that the advice I had been given was not as cut and dried as they had said’.

A few clients, while grateful for the efforts of the CAB at the RCJ, felt that staff lacked the knowledge needed to provide authoritative legal advice:

‘The CAB is staffed by well-meaning people who are unable to offer help with any but the simplest problems’

‘I found everyone most helpful but the advice I was given proved to be incorrect. The Legal Aid Board did not act as the CAB said it would’

‘The staff are very good listeners but my problem is still unresolved’

‘Service is, on the whole, friendly and helpful but does not meet the legal needs of people who do not qualify for legal aid but cannot afford a lawyer’

‘I did not receive the advice on completing bankruptcy application forms that I asked for. I was told to go to tax advisers to avoid bankruptcy. They could not help. The CAB was friendly and enthusiastic but they did not understand my requirements’

‘Staff were courteous and attentive but lacked professional ability. Their advice made matters worse for me. I haven’t the confidence to use their services again’.

Some others were dismayed that more advice was not available:

‘ I received initial helpful advice from a specialist solicitor but I was told that this was all that I was entitled to, even though legal aid is not available for defamation’

‘ I was told by the CAB that they could no longer help’.

Clients referred to an outside solicitor or barrister by the CAB at the RCJ had mixed experiences:

‘Although the staff did not know the answer, they did direct me to someone who could help me - a solicitor who gave me advice under the green form scheme’

‘Had the service not been available I really do not know what I would have done. I was referred to the Bar’s *pro bono* unit which has assigned counsel to me’

‘The CAB service was helpful and efficient but the solicitor to whom they introduced me would not take me on a ‘no win no fee’ basis’

The matter is still ongoing after a year. The lawyer recommended by the CAB has not brought the case further forward. I cannot understand the delay. I may need more advice from the CAB about acting in person. I am 76’

‘The CAB gave me a list of lawyers. None bothered to call me back’.

For a small minority of clients, the experience of consulting the CAB at the RCJ had been completely negative. Their comments echoed many of the complaints expressed above:

‘I am absolutely disgusted by the service I received. I have formally complained’ (a client who was angry at being promised access to a specialist which was subsequently refused)

‘The CAB showed a lack of interest, achieved nothing and refused further help’

‘I handed over documents to the CAB lawyer that went missing. Files got mixed up. When the lawyer was finally traced he had lost my documents. I have tried visiting and phoning for months but I am still waiting for advice’

‘As it is not possible to make appointments, I could not have travelled all the way to London just in the hope of seeing someone. It was difficult to contact anyone by phone’

‘I had to wait a long time. The staff were stressed and rushed. I felt that I was being rushed also and was unable to explain my problem clearly or clarify the advice before leaving. I was advised three times

to fight the claim then the advice changed and I was told to settle. Now I don't know what to do' (client whose first language was not English and who required assistance to complete the questionnaire)

'The CAB took a long time to respond to my questions and by then my case was in a mess. All contact was by fax and mail. My few phonecalls produced little of consequence'

'I waited two-and-a-half hours to be told that the CAB did not have the time or resources to deal with my case. I was given a list of solicitors but I went to the CAB at the RCJ because I could not afford to go to a lawyer'

'I did not get a satisfactory answer. They need more senior and qualified staff'

'The CAB knew very little about injunctions'

'I sought trust advice. On one matter they could not help while on the other they gave me advice which was incorrect'

'Some advice from the CAB at the RCJ was not correct. I was advised not to proceed with my appeal but I continued and succeeded'

'The free solicitor did not attend on time and did not give me sufficient time to consider my request. I felt no confidence in the process or the staff'

'I was unhappy about the HLA. The letter from CAB said I would have one hour with him but on entering room he said I had 15 minutes. He gave answers only under duress. He knew nothing about the case even though I had left two files two weeks earlier. No advice on the law was given'

‘The CAB discussed the matter with me. They agreed to follow a plan in the interview but the main points were either left out or not put down correctly. I was very unsatisfied’

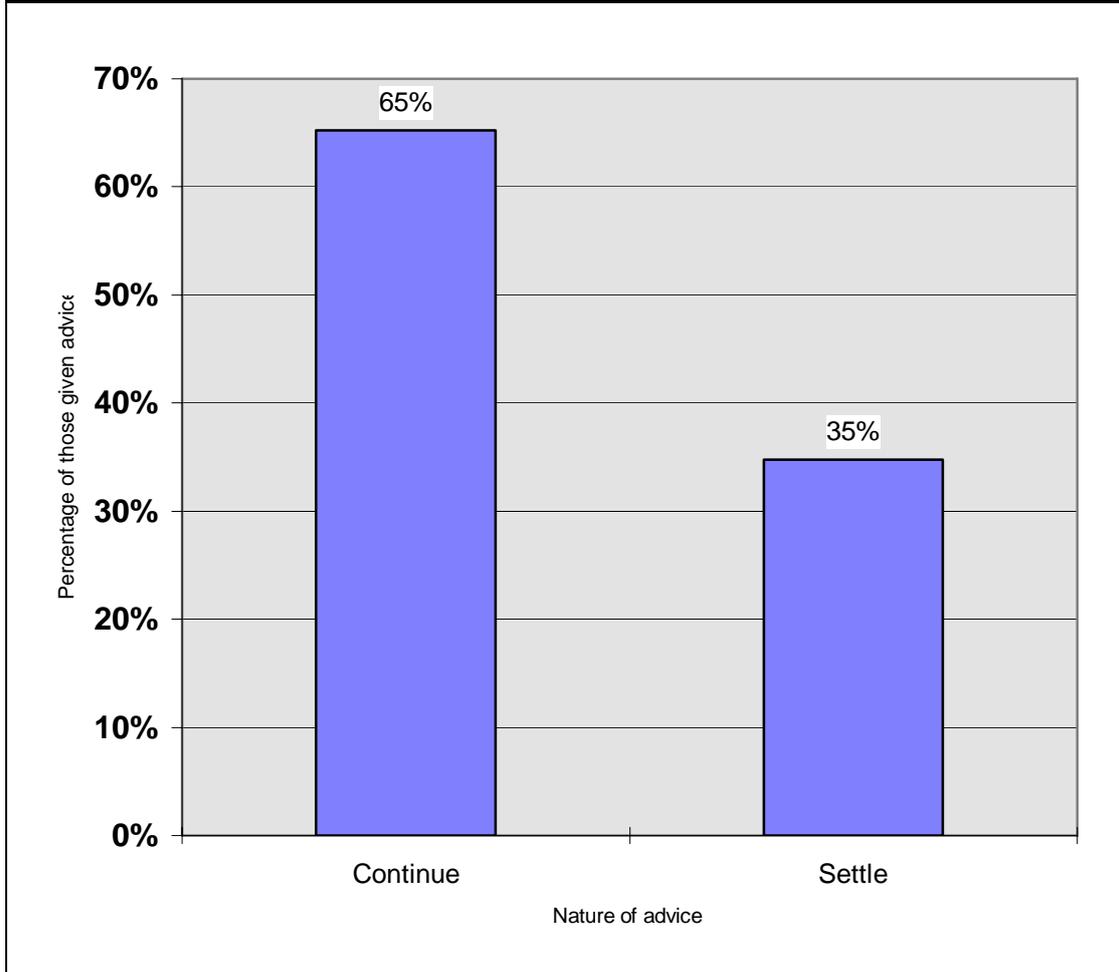
‘I am writing to the manager of the CAB at the RCJ to complain about the advice I received. Clear principles in advice giving are needed. Bad advice, or faulty advice, is worse than no advice at all’

‘The CAB arranged a meeting with a solicitor. He read the papers and said he would provide a report. This was not provided, but the CAB say that their file is lost and they do not know the name of the solicitor’.

The nature of advice given

Ninety-three clients (58%) had been given specific advice on whether to continue with or settle a dispute. One of these was the client quoted above who had on three occasions been advised to reject the claims of his landlord only to have the advice contradicted on a fourth visit. The advice given to the other 92 was as follows:

Figure 6: Clients given settlement advice



Of these 92 clients, 78 (85%) had acted in accordance with the advice given. However, advice to continue a dispute was more likely to be followed than advice to settle. Ten (31%) of the 32 clients advised to settle had ignored this advice but only three (5%) of the 60 clients advised to continue had not done so. One client did not indicate whether or not he had followed the advice given.

In the case of those whose first language was not English the figures were:

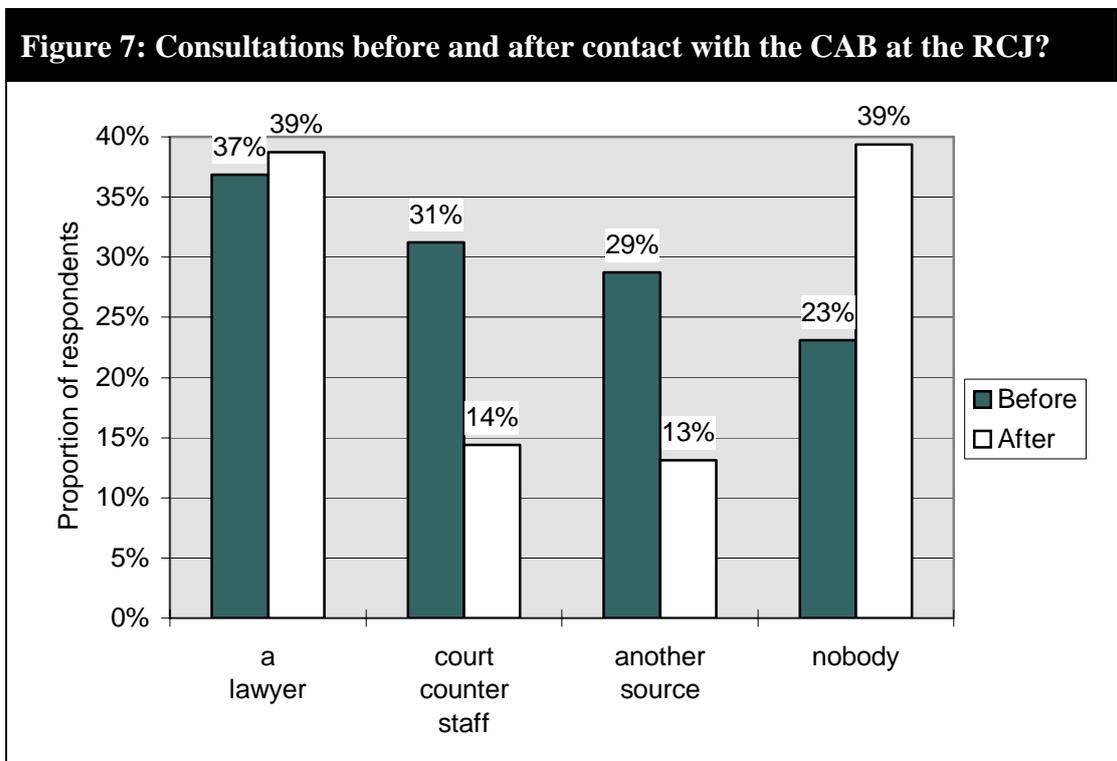
- 70 per cent received advice on whether to continue with or settle a dispute
- of these, 52 per cent had been advised to continue and 48 per cent to settle
- 76 per cent had complied with the advice given including all those advised to continue but only half those advised to settle.

One hundred and seven clients (63% of the total 160) had received advice from the CAB at the RCJ on a matter other than whether to settle or continue with a dispute. Of these 107, 73 (68%) followed all the advice given, 30 (28%) followed some but not all the advice and only one client did not follow any of the advice. Three clients did not indicate whether or not the advice was followed.

Among those whose first language was not English, 60 per cent had received such advice. Of these, 56 per cent had followed all the advice and the remaining 44 per cent had followed some of the advice.

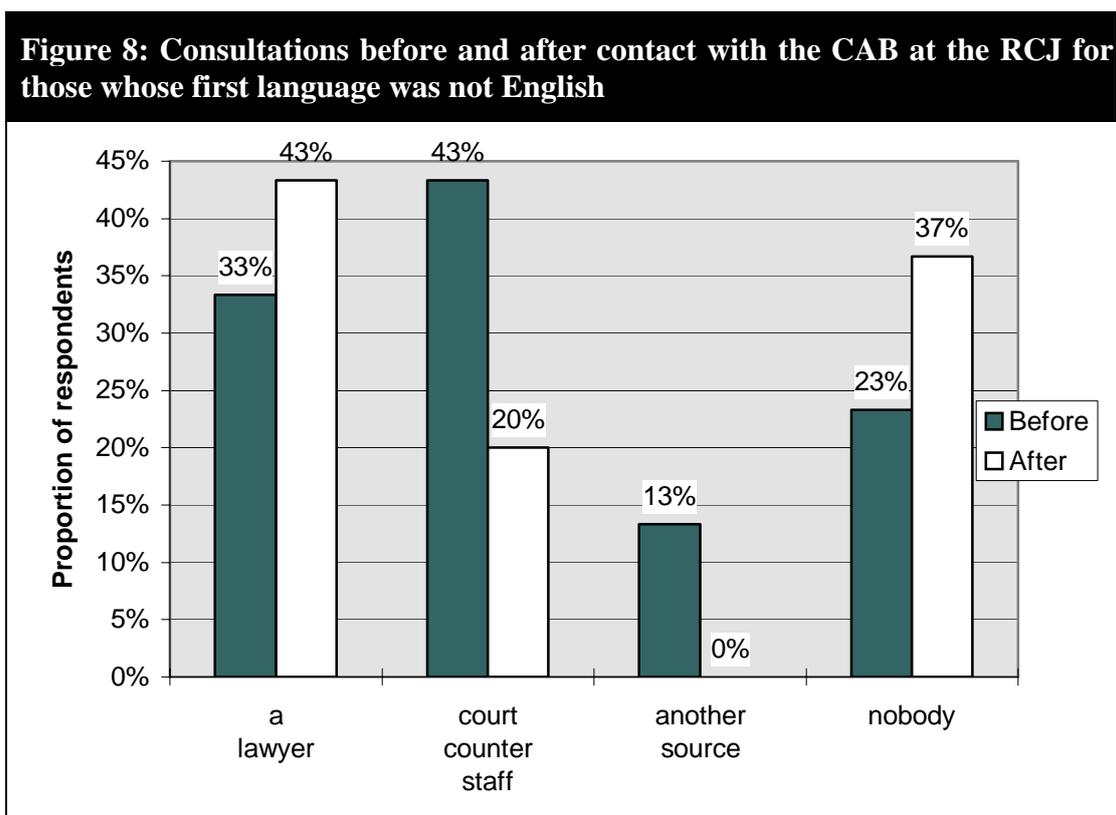
After approaching the CAB at the RCJ

Respondents were asked if they had approached anyone after seeking help from the CAB at the RCJ. For comparison purposes, the results are shown along with those for consultations before approaching the CAB at the RCJ. Some clients had sought advice from more than one source.



As the chart shows, there were many fewer consultations after the client had seen the CAB at the RCJ. One exception is that more lawyers were consulted after the consultation but this may have been the result of referrals from the CAB at the RCJ.

The corresponding picture for those whose first language was not English shows a similar pattern:



CONCLUSIONS

This chapter draws on the analysis of the client questionnaires in presenting some general conclusions about the services offered by the CAB at the RCJ.

Publicising the existence of the CAB at the RCJ

It is hard to draw definitive conclusions from this study about the effectiveness of efforts to publicise the services to LIPs provided by the CAB at the RCJ. There is anecdotal evidence to suggest that many LIPs do not seek advice from the CAB at the RCJ. Even so, some LIPs may not use the scheme for reasons other than ignorance of its existence.

Awareness of the scheme among court staff seems high as they accounted for a third of referrals. However, a relatively small proportion (17%) of clients had heard about the service from a local CAB or another advice agency and it would be sensible to check that it is sufficiently publicised in this sector. The sign outside the CAB's offices in the RCJ is neither distinctive nor prominent, possibly because of a requirement for all signs to be of a common design and in keeping with the surroundings. Nevertheless, the possibility of obtaining permission for a larger and more conspicuous sign should be investigated.

Recommendation 1: Checks should be made to ensure that local CABs and other advice agencies are aware of the services offered to LIPs by the CAB at the RCJ. The possibility of providing more prominent signs outside the CAB's office within the RCJ should be considered.

The appointments system

A common complaint among respondents to our survey was the lack of an appointments system and the long waiting times to see a worker. The CAB at the RCJ does not give appointments by telephone. Clients are seen initially at the CAB's offices on a 'first come first served' basis during opening hours which are from 10 a.m. to 12 noon and from 2 p.m. to 4:30 p.m. on weekdays. Waiting times are not

monitored but the CAB at the RCJ admitted that waits of two hours or more are not uncommon and this was confirmed by respondents to our survey. If queues are long, tickets are given out during the session and later arrivals are not guaranteed to see a worker.

The initial meeting is diagnostic in nature and should last no more than 15 minutes. If the worker decides that a consultation with an HLA is needed, an appointment is made for a time between 12 noon and 2 p.m. on a weekday.

Follow-up advice can be given over the telephone helpline although it is often hard to get through. Workers cannot be contacted by phone directly but respond to messages left on their voicemail.

While this system might meet the needs of those who live or work near Central London, it causes difficulties for those from further away. A number of respondents to our survey complained that they could not afford to travel to London on the off-chance that they would be seen. The CAB at the RCJ acknowledges these difficulties which are aggravated by the fact that its current complement of workers cannot meet the demand for its services. Its reasons for not giving appointments by telephone are:

- uncertainty as to whether the client will show up for the appointment
- the difficulty of assessing a client's needs over the phone and without access to supporting documentation.

Nevertheless, the CAB at the RCJ is currently considering some form of appointments system for clients who have a long distance to travel.

Recommendation 2: The CAB at the RCJ should monitor waiting times during its open-door sessions. This could be done by clients registering on arrival and advisers noting the start time of consultations. An experimental appointments system should be tried with clients able to book by telephone a time for an initial diagnostic consultation. One worker per session could deal with appointments while the others

see clients who come without an appointment as at present. During this experiment, the number of 'no-shows' should be monitored.

The quality of service

The responses to the study questionnaire suggest that the majority of clients who approach the CAB at the RCJ receive by the advice they need and act in accordance with it. Fifty-five per cent of respondents said that all their questions were answered and 58 per cent said they were completely satisfied with the service that they received. Only six per cent said none of their questions were answered and nine per cent that they were not all satisfied with the service they received. Even those with reservations are clearly influenced by what they are told. Most clients seek advice on more than one occasion, 85 per cent complied with advice to continue or settle a dispute and only one out of 104 clients failed to follow any of the advice given on other matters.

Among those who were not completely satisfied, complaints related to:

- a perceived lack of legal expertise on the part of staff of the CAB at the RCJ
- inconsistent treatment and advice provided on different occasions
- limitations set by the CAB at the RCJ on the extent of the advice provided
- poor management by the CAB at the RCJ of files and documents relating to the client's case
- dissatisfaction with firms of lawyers to which they have been referred by the CAB at the RCJ.

Some of the problems relating to the provision of advice may be due to unrealistic expectations on the part of clients. This issue is discussed in the next section. Other aspects of client complaints are addressed below:

Perceived lack of legal expertise on the part of CAB at the RCJ staff

The CAB at the RCJ has a Service Level Agreement (SLA) which sets criteria for the type of advice that can be given by a reception worker and the situations in which referral to a HLA is appropriate. Clients are told at the outset that reception workers

are not solicitors and not legally trained. Nevertheless, it was acknowledged by the CAB at the RCJ that there is pressure on workers to give advice on matters that should be referred to legally qualified staff.

The quality of the service provided by workers is monitored on a daily basis by managers who examine and check all case records. In addition, quality audits in the form of membership reviews are carried out around once every two years (although in the case of the CAB at the RCJ the frequency has been nearer once every six months). These involve careful scrutiny of all aspects of five cases handled by each worker. Individual feedback is given and a written report produced. This regime should be adequate to ensure that the quality of service is maintained at a high level and in accordance with the SLA. Nevertheless, future membership reviews should pay particular attention to whether workers are giving advice in situations beyond their legal competence.

The CAB at the RCJ cannot override the advice given by a HLA and so monitoring the service they provide is more problematic. HLA advice is looked at in the course of membership reviews but there is a limit to auditors' ability to comment on matters relating to High Court litigation and their comments are not fed back directly to HLAs unless a specific complaint has been made. A new scheme is planned under which a partner in the firms to which HLAs belong will scrutinise the advice given.

Recommendation 3: Membership reviews and case record checks by managers should pay particular attention to whether workers are giving legal advice in situations that merit referral to a HLA. The scheme to monitor the quality of advice provided by HLAs should be introduced as quickly as possible and the effectiveness of the scheme should be carefully evaluated.

Inconsistent treatment and advice provided on different occasions

All advice given is recorded in the client's case record which workers should read before each consultation. HLAs are sent the case record prior to seeing the client and the referral sheet details the history of the case. Problems can arise where a client's file is sent to an HLA for a scheduled consultation and, in the meantime, the client

calls again at the CAB at the RCJ for further advice. This could be solved by the CAB at the RCJ retaining a copy of the case record, or at least those parts describing the history of advice given, before sending the file to the HLA.

On some occasions, changing circumstances may mean that advice given previously no longer applies. Where this occurs, the reasons for the change should be explained to the client and noted in the case record.

Recommendation 4: The Service Level Agreement should be updated to address the situation where the advice to a client differs from that given on a previous occasion. In such circumstances, the reasons for the change should be clearly explained to the client and recorded in the case record.

Limitations set by the CAB at the RCJ on the extent of the advice provided

There are situations in which the CAB at the RCJ has to tell a client that it cannot offer any further help. The CAB at the RCJ has developed criteria to use in making this difficult decision. No further advice is given if any of the following apply:

- a) the client is entitled to legal aid
- b) an HLA says the client has no case
- c) the client is not willing to go along with the advice given
- d) the client's conduct undermines the CAB at the RCJ's ability to help them.

To illustrate the last situation, the CAB at the RCJ cited instances where a client has refused to accept a consultation with a female worker on the grounds of gender, even though the worker was adequately qualified to provide advice.

Recommendation 5: To avoid any accusation of unfair treatment when advice to a client is terminated, this action should require signed authority from a senior member of CAB staff and the reason for the decision should be formally recorded.

Poor management by the CAB at the RCJ of files and documents relating to the client's case

It was beyond the scope of this study to assess the adequacy of document controls used by the CAB at the RCJ but the comments of respondents to our survey suggest that there may be room for improvement. The performance of HLAs in this respect is outside the direct control of the CAB at the RCJ but should nevertheless be monitored. The need for files to be copied before being sent to an HLA was referred to above.

Recommendation 6: Management reviews should address the adequacy of document management practices used by the CAB at the RCJ with particular attention to the incidence of lost files.

Clients' dissatisfaction with firms of lawyers to which they have been referred by the CAB at the RCJ

The CAB at the RCJ maintains a list of firms of solicitors that undertake specific kinds of work. Clients who consult the CAB at the RCJ for advice are referred to one of these firms as appropriate. The firms are not vetted by the CAB at the RCJ and inclusion on the list is no guarantee of the quality of services on offer. However, this was not always understood by clients responding to our survey, some of whom blamed the CAB at the RCJ for the failures of firms to which they had been referred.

Recommendation 7: The CAB at the RCJ should consider maintaining information about the quality of services provided by the firms of solicitors to which it refers clients. For example, referred clients could be given a form on which to comment on the quality of the services they receive. If the CAB at the RCJ considers that it is not feasible to collect and maintain such information then this should be made clear to clients at the time of referral.

The expectations of clients

The comments of clients responding to our survey make it clear that some have unrealistic expectations of the services that the CAB at the RCJ can provide. Some even see the CAB at the RCJ as an alternative to legal aid in offering legal

representation for those who cannot afford a lawyer. Others do not understand that the CAB at the RCJ cannot predict with certainty the attitude that the court will take to their case.

These misunderstandings highlight the need for clients to be given at the outset written information on the service and its limitations. Currently, a leaflet about the CAB at the RCJ is available in the waiting room but this does not spell out the scope of the service offered. Also, it will only be read by those clients who select it from the many leaflets on display.

Recommendation 8: The leaflet describing the services of the CAB at the RCJ should be revised to describe the limitations of the services offered. It should contain a 'health warning' with respect to any advice given to emphasise that the CAB at the RCJ cannot guarantee what attitude the court will take in a particular case. The leaflet should be given to everyone who attends a consultation with a worker and included in responses to postal requests for advice.

Services to clients whose first language is not English

Nearly one in five respondents to our survey indicated that English was not their first language. This may under-represent the proportion among clients of the CAB at the RCJ as members of this group are more likely to have had difficulty in understanding and responding to the questions.

Neither the leaflet describing the CAB at the RCJ nor guidance leaflets on court procedure produced by the Court Service are available in languages other than English. The CAB at the RCJ cannot respond to a request for advice in a language other than English unless, by chance, one of its workers speaks that language. The list of HLAs does not include information on languages spoken although the list of solicitors' firms to which clients are referred does have some information of this type.

Recommendation 9: The CAB at the RCJ should record the first language of those to whom it gives advice. Based on the results, consideration should be given to translating information leaflets into languages other than English. The ability of

HLAs to offer advice in languages other than English should be recorded and available to workers when making a referral on behalf of a client.

The impact on court staff

It is not easy to quantify the amount of court staff time that is saved because of the services offered to LIPs by the CAB at the RCJ. It involves trying to answer the hypothetical questions, “if LIPs could not be referred to the CAB at the RCJ, how much additional court staff time would be needed to deal with their enquiries?” and “how many more times would LIPs approach court staff if they could not address their enquiries to the CAB at the RCJ?”. The answers to these questions may only become apparent if the CAB at the RCJ ceases operating.

The results of this and other surveys suggest that three-quarters of the LIPs who approach the CAB at the RCJ do so for advice on court procedure. The majority of these clients in our survey had all their questions answered and were completely satisfied with the advice they received. Many fewer clients felt the need to approach court staff after contact with the CAB at the RCJ compared with before. These facts strongly suggest that significant savings of court staff time can be directly attributed to the services offered by the CAB at the RCJ.

APPENDIX 1: STUDY QUESTIONNAIRE FOR LITIGANTS IN PERSON

SERVICES PROVIDED BY THE PILOT SCHEME AT THE CITIZENS ADVICE BUREAU IN THE ROYAL COURTS OF JUSTICE (the CAB in the RCJ)

The CAB at the RCJ is not part of the court administration but it provides services to court users and others. Its office is on the ground floor on the left as you come into the court building by the main entrance. This questionnaire seeks your views about the CAB at the RCJ. Please answer by ticking the appropriate boxes. Your replies are confidential.

1. Is English your first language?

Yes No

2. How many times in the last year have you contacted the CAB in the RCJ? Include all letters, telephone calls and visits, even if they related to different matters

Once 2 -5 times More than 5 times

3. How did you find out about the services offered by the CAB in the RCJ?

From court counter staff From another CAB From another advice agency
 From a friend From another source (please say what this was)

4. We would like to know why you sought advice from the CAB at the RCJ. You may have sought advice for several reasons and on different occasions. Please tick all the reasons that apply to you.

- I wanted advice on court procedure
- I wanted advice about whether I needed to consult a lawyer
- I wanted to know if I qualified for legal aid
- I could not afford to go to a lawyer
- I wanted to check the advice I had received from a lawyer
- I wanted advice about my lawyer's bill
- I approached the CAB in the RCJ for another reason (please say what this was below)

5. Did the CAB staff answer your questions?

- They answered all my questions
- They answered some of my questions
- They did not answer any of my questions

6. Were you satisfied with the advice or information you were given by CAB staff?

- Completely satisfied
- Only partly satisfied
- Not satisfied at all

7. Were you given specific advice by CAB staff about whether to continue with or to settle a dispute?

- Yes
- No

If YES,

7a. What were you advised to do?

- Continue
- Settle

7b. Did you follow this advice?

- Yes
- No

8. Were given any other kind of advice by CAB staff?

- Yes
- No

8a. If YES, did you follow this advice?

- I followed all the advice
- I only followed some of the advice
- I did not follow any of the advice

The next two questions are about other places you went for advice before or after approaching the CAB in the RCJ.

9a. BEFORE approaching the CAB at the RCJ I sought advice from (Please tick all that apply):

- court counter staff
 - a lawyer
 - someone else (please say who)
-

nobody

9b. AFTER approaching the CAB at the RCJ I sought advice from (Please tick all that apply):

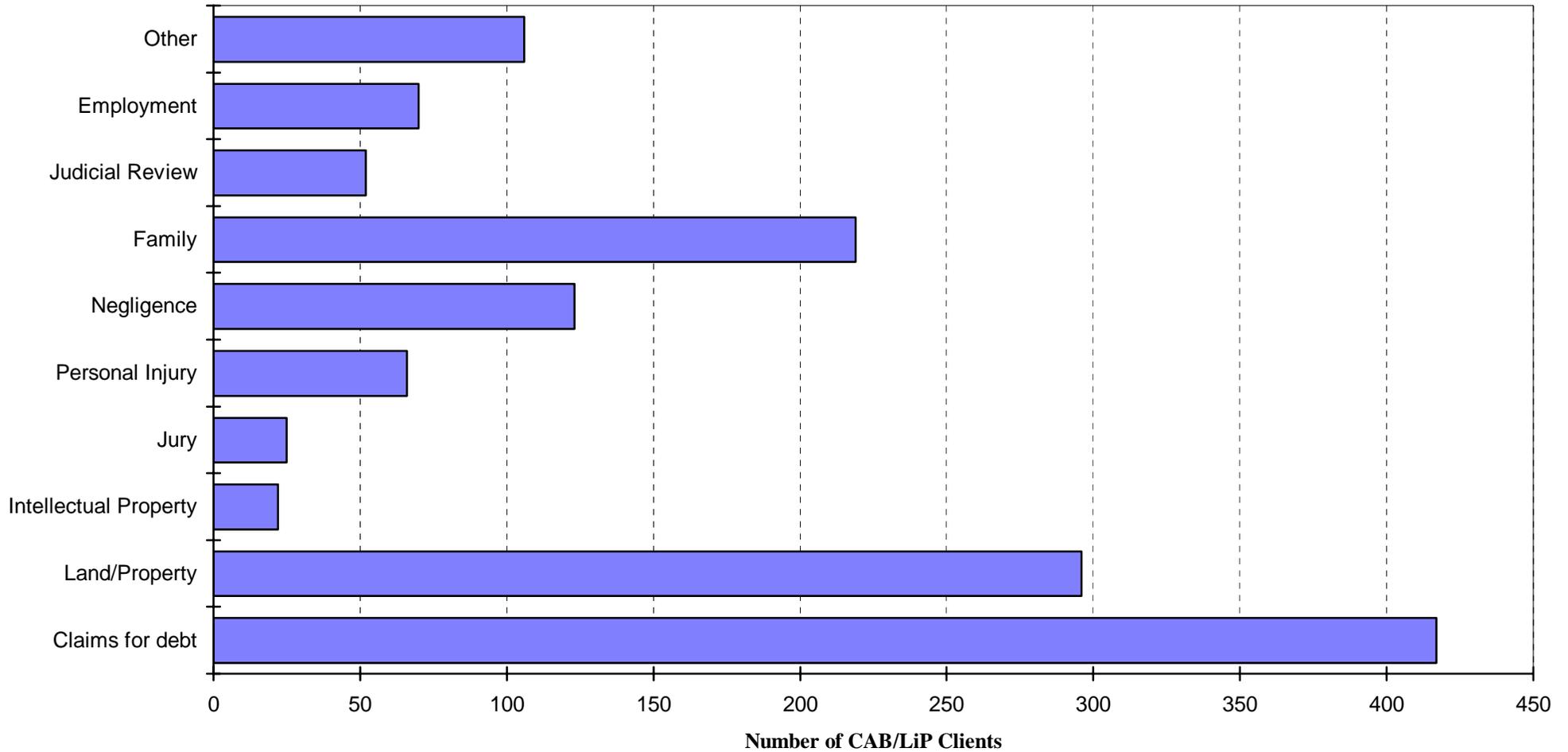
- court counter staff
 - a lawyer
 - someone else (please say who)
-

nobody

10. Please use the space below if there are any other points you wish to make about the service provided by the CAB in the RCJ. Continue overleaf if necessary.

Please return your completed questionnaire by FRIDAY 23 JANUARY 1998 using the enclosed FREEPOST envelope

APPENDIX 2: NATURE OF LITIGATION: ALL CLAIMS (May 96-Apr 97)



Employment claims recorded separately from June 1996 onwards
Judicial Review claims recorded separately from July 1996 onwards
Claims for Debt do not include Bankruptcy figures previous to June 1996

Claims by type in this chart sum to more than the total number of clients because LiP cases may fall under more than one litigation area

INSERTION FOR BACK COVER

This report is an evaluation of the services offered to litigants in person (LIPs) by a pilot project at the Citizens Advice Bureau located within the Royal Courts of Justice. The findings are based on the responses of 160 users of the service to a postal questionnaire. They provided information on:

- the proportion of clients seeking advice whose first language is not English;
- how the services on offer to LIPs came to their attention;
- their level of satisfaction with the advice received;
- whether they received advice on settlement of a dispute and, if so, whether they complied with such advice;
- others approached for advice before and after visiting the Citizens Advice Bureau at the Royal Courts of Justice.

The majority of clients expressed satisfaction with the advice they received. The report makes a number of recommendations for increasing awareness of the pilot project and improving the quality of the services offered.